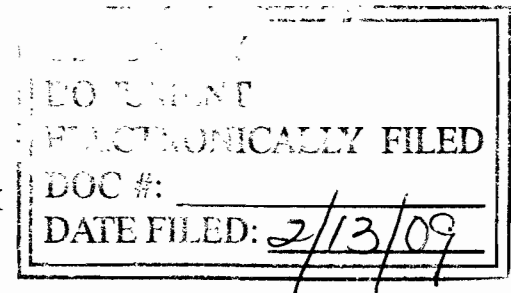


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



**In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation**

**Master File No. 1:00 – 1898
MDL 1358 (SAS)
M21-88**

This document relates to:

**ORDER OF DISMISSAL
WITH PREJUDICE**

Tonneson, et al. v. Sunoco, Inc., et al., 03 Civ. 8248

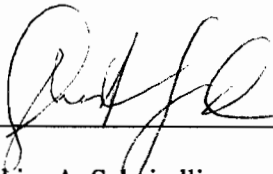
Defendants Sunoco, Inc. and Sunoco, Inc. (R&M) (formerly known, and improperly named in the Complaint, as Sun Company, Inc. (R&M) and Sunoco, (R&M) (collectively referred to as "Sunoco") and Third-Party Defendant Town of Highlands have advised the Court that they have resolved the matters between them pursuant to a Settlement Agreement, and the parties have stipulated to the entry of this agreed-upon dismissal of all claims of any kind pending against the Town of Highlands with prejudice. The Court finds that this Order of Dismissal with prejudice should be entered and that:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. Sunoco and the Town of Highlands have advised the Court that they have resolved the matters between them pursuant to a Settlement Agreement and a Release.
2. Pursuant to the Settlement Agreement, the settling parties consent to the dismissal with prejudice of the Town of Highlands from this action.
3. No other parties have objected to the dismissal of the above entitled action with prejudice as to the Town of Highlands only.

4. Therefore, this action, including all claims, counterclaims, and cross-claims of any kind, is hereby dismissed with prejudice as to the Town of Highlands.

ENTERED this 13 day of Feb, 2009:



Honorable Shira A. Scheindlin